

A MEETING OF THE BOARD OF COMMISSIONERS
OF THE CITY OF SODDY-DAISY, TENNESSEE, WAS
HELD ON THURSDAY, MARCH 19, 2009 AT 7:00 P.M.

MEMBERS PRESENT:

MAYOR SHIPLEY

VICE-MAYOR PRIVETT

COMMISSIONER ADAMS

COMMISSIONER HARMON

COMMISSIONER SKILES

CITY ATTORNEY ELLIOTT

INTERIM MANAGER BURRIS

The minutes of the meeting held March 5, 2009 were approved as presented.

Vice-Mayor Privett made a motion to move Citizens' Participation to the end of the Agenda, Mayor Shipley agreed and it was the consensus of the Board to do so.

Mayor Shipley said that Greg Hurley, GVH and Associates, developer of the property located in the 9300 block of Dayton Pike, was present and asked that he address the Board at this time. Mr. Hurley said the project began in March 2006 saying that he presented his plans and met with City officials periodically as needed. The plans he has from 2006, 2007, and 2008 all show the curb cut now in question. He said he never intended to get ahead of plan approval, but was working on several items to include the allocation of additional right-of-way to the City. City Attorney Elliott said he was waiting on the documents from Mr. Hurley's attorney. Mr. Hurley acknowledged this. He noted that he was in several meetings with parties involved when the curb cut was discussed. He then said he would place himself on the mercy of the Commission. City Attorney Elliott advised him that this Commission could not offer him any type of relief that he needs to go back before the Planning Commission and advise them of the mixup on the site plan. Mr. Hurley said he was merely wanting to give an update. He then said he received a letter this week advising him to take out a curb cut that was not approved. He said that he had long since spent monies, more than six million dollars, which was available for this project. Now to receive a letter to remove the curb cut, it made him take a step back. He said an offer has been received from Taco Bell and that they will want the curb cut the City is asking him to remove. He asked to leave this as is and allow him to recruit businesses to get folks to Soddy-Daisy. He said he would resubmit a full set of subdivision plans and a master site plan showing proposed lots, adding that at this time he has no other potential buyers with the exception of Taco Bell. He said when you remove the curb cuts you lose businesses. He reiterated that he had boxes of drawings showing the curb cuts, asking that letters not be sent but rather contact him by telephone. He asked that the letter of March 12th be rescinded and allow him to complete his project. City Attorney Elliott advised Mr. Hurley once again that this Board cannot do anything for him. Mr. Hurley said he still wanted to give this update. Mayor Shipley asked Mr. Hurley if he would be resubmitting a site plan. Mr. Hurley said he would ask that the City rescind the letter from Mr. Renfro asking to remove the curb cut. He agreed to the other items in the letter. City Attorney Elliott advised him that if he

wanted to send a letter in response to Mr. Renfro's letter stating what he proposed to do, he can do it and the Planning Commission can consider it when he comes before them. Mr. Hurley said again that he would be submitting a master plan showing the lots, present and future, for which he is recruiting businesses.

Old business: None.

New business:

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM R-5 SINGLE LOT MOBILE HOME DISTRICT
TO MH MOBILE HOME DISTRICT, A TRACT OF LAND LOCATED
AT 9713 BARBEE ROAD. PUBLIC HEARING AND FIRST READING.

Mayor Shipley asked if there was opposition present to the rezoning. Bob Holloway, 9721 Barbee Road, said he attended the Planning Commission Meeting when he was told that there was nothing that could be done to keep the Park from putting single wide homes on the property. He stated his opposition to additional homes saying there are currently problems with the park roads being used as a cut through from Green Pond Road. He added the Park didn't need additional traffic, problems with speeders, junk and debris in the area, and constant noise. He said when the property owner cannot control what's there now, he couldn't see how they could be allowed to have more. Stewart Phillips, 6150 Shallowford Road, spoke on behalf of the rezoning request. Mr. Phillips said the request was for 17 additional homes which will be accessed by a new road. He agreed with Mr. Holloway in that the Park's cleanliness needed attention and has entered into a contract with someone to take care of this on a monthly basis. He said about 95% of the homes are owned by the tenants. Vice-Mayor Privett asked if there is a resident manager on site. Mr. Phillips said there was not but that there is someone there two to three days per week, but this is being discussed. Vice-Mayor Privett read some statistics of police calls to the area over the past 4 ½ years. He noted that the current owner purchased the Park in January 2007 and from that time the calls have continued to increase. He asked Mr. Phillips how many evictions had been made during his ownership. Mr. Phillips said several. Vice-Mayor Privett stated that there have been two meth lab busts in the Park this week and one where the contaminants were buried in the yard. He questioned how this could occur if the Park was being watched. He stated his concern over the amount of police calls to the area and the fact that there isn't a resident manager on site. He said these areas should be addressed before giving any consideration to adding additional homes. Commissioner Adams agreed saying he was not inclined to grant the rezoning at this point. Commissioner Harmon and Commissioner Skiles also agreed. Commissioner Adams said that a fee was paid for the rezoning request suggesting that this fee be waived when the request is resubmitted. City Attorney Elliott advised Mr. Phillips of a similar situation in another mobile home park whereby consideration was given to shutting down the park due to it being a public nuisance. Vice-Mayor Privett said that if that person came before the Commission today, he would be inclined to vote to let them expand because they had cleaned up their facility and there were virtually no police calls for it. City Attorney Elliott stated that the

Ordinance died for lack of action. It was noted that the rezoning request could not be heard for one year.

Citizens' Participation:

Robert Cothran, 10175 Dallas Hollow Road, requested the use of Holly Park on June 6th for Vietnam Veterans, Chapter 942 to hold a fishing rodeo and use the park as a weigh-in station. He noted that no boats will be blocked coming in and out and no parking areas blocked. Commissioner Adams said his only concerns would be traffic and parking. Mr. Cothran said most weigh-ins will be coming in by boat. It was the consensus of the Board to permit this use. Vice-Mayor Privett asked that the remainder of citizens' participation be deferred to the end of the meeting.

Interim City Manager Burris presented a request from the fire department to purchase material to install 5 of the 30 remaining fire hydrants that were purchased last year. This is a budgeted item and the supplier is Ferguson Enterprises who has agreed to forego a tapping fee, which is normally \$300 to \$500 each, if we purchase the material from them. She gave the cost at \$2,538.49. A motion was made by Vice-Mayor Privett and seconded by Commissioner Adams to approve the request and the ayes were unanimous.

A request for payment approval was presented for asphalt material from Highways, Inc. in the amount of \$15,988.83 for paving West Walden Street. A motion was made by Commissioner Adams and seconded by Commissioner Harmon to approve the request and the ayes were unanimous.

Another request for payment approval was presented for the purchase of concrete from P & S Concrete in the amount of \$18,292.50 for material used on Daisy Dallas Road. Commissioner Harmon asked if this was the last one. Interim Burris stated that there should be one additional invoice estimated to be less than \$10,000. A motion was made by Commissioner Harmon and seconded by Commissioner Adams to approve payment and the motion carried unanimously.

A request for payment approval was presented for Mokata Networks in the amount of \$4,077.40. Interim Manager Burris said a portion of the cost was for the annual software renewal for anti-spam and e-mail archiving and the additional cost was for monthly maintenance. A motion was made by Commissioner Adams and seconded by Commissioner Harmon to approve payment as given and the ayes were unanimous.

Interim Manager Burris stated that she had received a proposal from Johnson, Murphey, and Wright PC's to perform the City's 2008-2009 Fiscal Year Audit. The cost was presented at \$18,795 which is an \$870 increase over last year's fee. She recommended approval. Commissioner Adams asked the term of the contract. Interim Manager Burris stated the contract was from year to year. A motion was made by Commissioner Adams to approve the contract. Commissioner Harmon seconded the motion and the motion carried unanimously.

Interim Manager Burris continued her report saying that two additional letters had been sent to Norfolk Southern offices requesting consideration of an emergency access to Cox Lane. She said the contact names

were provided by Bryson Johnson, the State's railroad inspector.

She reported that Public Works Director Renfro had met with TDOT's Regional Bridge Inspector, Leonard Williams. Mr. Williams advised that if the Pruett Street bridge is replaced, it would still have to adhere to the State's requirements and gave a preliminary cost at \$100,000 not including engineering. She also noted that any work done in the creek would involve FEMA and the Army Corps of Engineers. Mayor Shipley said the requirements are due to the fact that the creek is more than twenty feet (20') wide. Interim Manager Burris said that further consideration will be given a walking bridge and this would be presented at a later date.

Interim Manager Burris stated that a couple of meetings ago the Board voted to place a freeze on hiring, firings, etc. Since that time the police department has had one officer placed on medical leave and one with a pending surgery where the officer may be out for months. She added that another officer is still out on deployment until July. Chief Hamrick came before the Board saying that the department has one patrol officer position vacant and requested that the position be filled to keep down overtime. Vice-Mayor Privett said he prefers coverage be made by scheduling and by use of personnel on day shift. He added that if day shift runs short then detectives can fill in. Chief Hamrick stated this is what is being done and that he worked third shift the previous night. Vice-Mayor Privett said if emergencies arise then Hamilton County can back the City up. He said his reasoning was that if someone is hired and all employees return from leave, then that new hire will be laid off. Mayor Shipley said no, that this was a vacant position. Chief Hamrick stated that there are 16 budgeted patrol officers for the department and currently there are 15 positions filled. Vice-Mayor Privett then made a motion to lift the freeze to hire the one employee and to reimplement the freeze after hiring. Commissioner Skiles questioned the duties of the SRO officer during the summer. Chief Hamrick said this person does the in-service training, attends school himself, and covers vacations. Commissioner Skiles asked if the SRO is one of the 15 positions counted. Chief Hamrick said he is not that this is a separate position and listed separately on the pay plan. Commissioner Skiles questioned what would happen if Hamilton County provides the SRO officer. Mayor Shipley said he did not look for them to do this. Commissioner Adams said he did not feel it was fair to have the Chief working third shift and was for allowing him to hire the position and seconded the motion made by Vice-Mayor Privett. Vice-Mayor Privett noted that it was approved for the department to have 16 patrol officers and that the SRO officer possibly could be funded by Hamilton County for an additional officer. The vote was taken and the ayes were unanimous. Commissioner Skiles asked that the City seek to hire a certified officer to prevent the 8 to 10 week training period. Mayor Shipley commended the police department for the recent drug busts and solved burglaries. Chief Hamrick said over the past eight days, the officers have located and destroyed six meth labs. Mark Bivens, 910 O'Sage Drive, stated that the city should keep the officer at the school. Vice-Mayor Privett advised Mr. Bevins that he was not in favor of pulling

the SRO officer which the City has funded for the past nine years, merely that the County Sheriff's Office provides one just as they do for other high schools. He stated firmly that he was not inclined to pull the SRO officer.

Vice-Mayor Privett said at the last meeting there was a lot of venting and airing out by citizens. After talking with representatives of the County Commission, he received the guidelines of how they conduct their meeting orderly to get out in a timely manner. He said his motion was to "limit citizens' participation to three minutes per person, three people per single issue with the exception of people asking the City for special consideration pertaining to property both real and personal. Also, during citizens' participation, a commissioner may ask for a roll call vote at any time, at which time all discussion must end and a roll call taken to determine by majority vote if further discussion shall continue by a citizen." City Attorney Elliott suggested a change to say "or to extend the time if the majority of the Commission deems it appropriate." Vice-Mayor Privett agreed with this change. Commissioner Adams said the last couple of meetings have been extraordinary. He said there have been times in the past when the City has used judgement telling people they have three minutes to speak and even asked others to select a spokesman for their group. He said this was the peoples' meeting and saw no need to change it. Mayor Shipley said he felt this change would be taking away the voice of the people. Commissioner Skiles asked if those speaking should be city residents? Mayor Shipley said he felt they should but at recent meetings non-residents have been allowed to speak. He said he felt the Board can control this and that he could have at the last two meetings had he wanted to. He did agree that there should be a three to a four-minute time limit on speaking. Commissioner Adams said there are people who live outside the City that could have business before the Board. The motion made died for lack of a second. Vice-Mayor Privett said the County Commission also has citizens' participation at the end of the agenda after allowing all business to take place. If after the business is held and the Commissioners want to leave, they can do so because all voting is done at that point. Vice-Mayor Privett made another motion to limit citizens' participation to three minutes per person and three people per issue. Commissioner Harmon asked for clarification that this would be three people per issue, per meeting. Vice-Mayor Privett said this was correct. Vice-Mayor Privett amended the motion to add that the Board has the right to extend the time by a roll call vote. City Attorney Elliott clarified it could be by roll call or by vote voice and to extend the number allowed to speak, that the Board controls the meetings. The motion was seconded by Commissioner Skiles. Commissioner Harmon said he wanted to clarify that the Board has the right to extend the time and the number speaking. Vice-Mayor Privett said this is setting standards and all the standards can be changed by the majority of this Board at any time. A roll call vote was taken and the ayes were Vice-Mayor Privett, Commissioner Harmon and Commissioner Skiles. The nay votes were Commissioner Adams and Mayor Shipley. Vice-Mayor Privett then made a motion to draft an ordinance

to place citizens' participation at the end of the agenda to allow business to be conducted prior to any discussion. It was the consensus of the Board to present this change. Vice-Mayor Privett left the meeting at this time, 8:10 p.m.

Commissioner Adams stated that there has never been a formal agreement between the City and the Chamber on the 4th of July activities. The Chamber has requested a memorandum of agreement listing what the City will provide and what the Chamber will provide. He presented the agreement and made a motion that it be accepted. City Attorney Elliott suggested that a Resolution be drafted and presented at the next meeting. Interim Manager Burris stated the intent of the request from the Chamber is a commitment from the City to provide the same items as last year such as the stage, sound system, tent, etc. City Attorney Elliott then suggested that the request be put in the next meeting packets for consideration. Commissioner Adams said planning needs to get underway on the July 4th activities.

Commissioner Adams asked the status of the resumption of brush pick-up. Interim Manager Burris asked that some criteria or policy be determined before starting the service. It was the consensus of the Board to have guidelines prepared.

Commissioner Harmon stated that he wanted to let the people know that if they have something to say to him, he would make a motion for 50 people to speak when addressing him.

Mayor Shipley made appointments to the Planning Commission and the WWTa Board. He said that Alan Miller and Frank Mulkey will be leaving the Planning Commission. He named their replacements as Arnold Stulce and Kyle Stottlemire. He said he wanted to make an appointment to the Mayor's position and felt that active contractors did not need to serve on this Board. The Vice-Mayor has been sitting this seat, but since it is time for the appointment he would replace this position with Alan Hayes. He said Commissioner Skiles would remain on the Board. City Attorney Elliott noted that the Planning Commission member terms are staggered and asked if Mr. Stulce and Mr. Stottlemire's terms would be for the full three years. Interim Manager Burris stated they would be. Mayor Shipley stated he had one other appointment to make and that was Jim Adams to the WWTa Board. He said since Vice-Mayor Privett is a contractor as is Commissioner Harmon and himself, this should remove any questions of impropriety arising from a contractor serving on a Board. He said Vice-Mayor Privett had served on both Boards and had done a fine job.

Mayor Shipley asked that a large dip in the roadway on Back Valley Road just north of Varner Cemetery be addressed. He said it was a fine line whether it was the City's responsibility or the State's, asking Mr. Renfro to check into this.

Citizens' Participation:

Donny Hixson, 658 Sneed Road, stated he would like Sneed Road resurfaced and widened in the areas

where possible. Mayor Shipley said that budget time is approaching and that the Board could look at this request. Commissioner Adams asked that a new paving priority list be prepared.

Chris Harper, 306 Timberland Circle, extended an official invitation to the Fun Fest sponsored by the Daisy Masonic Lodge and Order of the Eastern Star to be held on Saturday, May 23rd at Veterans Park, with a rain date of Saturday, May 31st. He recapped the results of the last two events where \$7,297.11 were raised and distributed locally.

ADJOURNMENT 8:28 P.M.

RECORDER SARA BURRIS